IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6208 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE D.A.MEHTA

HONOURABLE MS.JUSTICE H.N.DEVANI

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Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SARASWATI EXPORTS & 1 - Petitioner(s)

Versus

UNION OF INDIA & 2 - Respondent(s)

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Appearance :
MR PARESH M DAVE for Petitioner(s) : 1 - 2.
MR SN THAKKAR for Respondent(s) : 1,
MR JITENDRA MALKAN for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA

and

HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 06/10/2005

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE D.A.MEHTA)

1 It is common ground between the parties that the material facts and contentions as well as the controversy are identical as found in the case of *Messrs Mahavir Exports Vs. The Union of India and others in Special Civil Application No.6196 of 2002,* which has been decided today by this Court by a separate judgment and order. Hence, for the reasons recorded in the judgment rendered today in the aforesaid Special Civil Application, this petition is allowed. The impugned order made by Government of India on 20/03/2002 cannot be allowed to operate, the same is hereby quashed and set aside. The order of Commissioner (Appeals) shall stand revived and become operative.

2 Rule made absolute. The petition is allowed accordingly. There shall be no order as to costs.

(D.A.Mehta, J) (H.N.Devani,J)

m.m.bhatt